

REMARKS

I. STATUS OF THE CLAIMS

After entry of the present amendment, Claims 2-3 are pending in this application. Claims 2 and 3 have been amended by the present amendment to clarify the claims and include a computer to perform the claimed functions. Claims 1 and 4-21 have been previously canceled without prejudice or disclaimer of the subject matter therein. No new matter has been added by the present amendment.

Applicant respectfully traverses the rejections to the claims, and requests reconsideration.

II. REJECTION UNDER 35 U.S.C. § 101

Applicant has amended claim 2 to include a computer in the security system to perform the claimed function as advised by Examiner. In particular, claim 2 has been amended to be a “computer implemented computer system”. Accordingly, it is respectfully requested that the rejection to claim 2 be withdrawn as the claim is directed to statutory subject matter.

III. REJECTION UNDER 35 U.S.C. § 103

Claims 2-3 are rejected under 35 U.S.C § 103(a), (hereinafter, “Section 103(a)”), as being unpatentable over the online article “Choose a Vendor To Process Your Online Transactions” in WorkZ (hereinafter, “WorkZ”) in view of Patel (U.S. Pat. No. 6,438,690, hereinafter “Patel”).

It is respectfully held that Examiner has not established a *prima facie* case of obviousness using WorkZ and Patel for at least the reasons stated below.

WorkZ Is An Improper Reference

Applicant respectfully points out that the WorkZ reference is found on the WorkZ website having a copyright of 1995-2006. As such, this copyright does not provide for the date of the cited WorkZ article used in the Section 103(a) rejection but, at most, shows that parts of the website itself may be supported by the date range. Applicant respectfully requests

Examiner to provide for the date of the article used in the rejection. Applicant provides the attached information believed to provide the true date of the WorkZ article by the author Delilah Obie, see Attachment A, page 2. As shown in the WorkZ Contributing Author page for Delilah Obie, the cited article entitled “Choose a Vendor To Process Your Online Transactions” was published on April 9, 2002. The date of this reference is after the priority date of January 10, 2001 of the present application and also postdates the filing date of the application. Accordingly, Applicant respectfully points out that the WorkZ reference is not a proper reference since it is not prior art. For this reason, amended claims 2-3 are believed to be allowable.

References Fail To Teach Or Suggest All Claim Limitations

In addition, even though WorkZ is not prior art against the application, it still fails to provide for ALL the claim limitations as put forth by Examiner, and neither does Patel provide for them. In particular, nowhere on pages 1-4 of WorkZ is there provided the limitations of amended claim 2 of at least the following:

“wherein an application begins by asking the user to select a language to be used, from a group of languages pre-set for that purpose,...”

“if the user does not choose to pay with a card, information corresponding to the subscriber phone number from which the call was made and to the subscriber himself is received from the telephone service provider or finance company authorized to provide the service,...”

“the user must fill in a form requesting his personal information, as well as information about whether he placed the call from his subscriber telephone number or from another number...”

“the user goes on to a consignee data form; in this form, the user reflects the information corresponding to the place where the shipment is to be delivered, and this is followed by another form corresponding to the information about this delivery in terms of lead time, time of day, day, month and year for the delivery...”

WorkZ generally recites that “Other methods of collecting payment include charging purchases to a phone bill,.” It then goes on to describes processing online credit card

transactions with a merchant account provider and information regarding the different fees charged by such merchant account providers. Nowhere in WorkZ is there taught or suggested the above identified and required limitations of amended claim 2 among other limitations of the claim.

Moreover in reviewing Patel, the deficiencies of WorkZ are not provided and therefore Patel fails to provide for all the required limitations of amended claim 2 as well. Notwithstanding WorkZ being an improper prior art reference, WorkZ in combination with Patel do not provide for ALL the claim limitations of the claims. As such, a *prima facie* case of obviousness has not been established. Since dependent claim 3 includes all the limitations of claim 2, Applicant submits that claim 3 is allowable for at least the same reasons as claim 2, as discussed above. Accordingly, Applicant respectfully requests withdrawal of the rejection of amended claims 2-3 under Section 103(a).

IV. CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. If the Examiner believes that this application is not yet in condition for allowance, Applicant respectfully requests his constructive assistance and suggestions pursuant to the spirit of MPEP § 2173.02 and § 707.07(j). Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 05/29/2007

/Juneko Jackson/
Otto O. Lee (Reg. No.: 37,871)
Juneko Jackson (Reg. No.: 48,870)
Shinae Kim-Helms (Reg. No.: 57,552)
Intellectual Property Law Group LLP
Attorneys for Applicant

Atty Docket No.: ABRIL.LOPEZA.PT1
Contact No.: 408-286-8933